

## TRANSMITTAL

Applicant : Stordeur, et al.  
 App. No. : 10/501,666  
 Filed : July 16, 2004  
 For : METHOD TO DETERMINE  
       IN VIVO NUCLEIC ACID  
       LEVELS  
 Examiner : Unknown  
 Art Unit : Unknown

## CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

December 20, 2004

(Date)

Che Swyden Chereskin, Ph.D., Reg. No. 41,466

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing in the above-identified application are the following enclosures:

- (X) Response to Notice to Comply in 3 pages.
- (X) Paper Sequence Listing in 23 pages and two (2) CRF diskettes containing same.
- (X) Return prepaid postcard.
- (X) Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Che S. Chereskin  
 Che Swyden Chereskin, Ph.D.  
 Registration No. 41,466  
 Agent of Record  
 Customer No. 20,995  
 (949) 760-0404

MRB/CSC

PCJ #5



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U.S. APPLICATION NUMBER NO.

10/501,666

FIRST NAMED APPLICANT

Patrick Stordeur

ATTY. DOCKET NO.

DECLE35.002APC

INTERNATIONAL APPLICATION NO.

PCT/EP03/00493

IA. FILING DATE

01/20/2003

PRIORITY DATE

01/18/2002

20995

KNOBBE MARTENS OLSON & BEAR LLP  
 2040 MAIN STREET  
 FOURTEENTH FLOOR  
 IRVINE, CA 92614



CONFIRMATION NO. 9946  
 371 FORMALITIES LETTER



\*OC000000014657750\*

Date Mailed: 12/03/2004

**NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
 CONTAINING NUCLEOTIDE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
  - Diskette does not comply. A corrected diskette is required. See the attached raw sequence listing error report.
  - APPLICANT MUST PROVIDE:
    - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
  - For Rules Interpretation, call (703) 308-4216
  - To Purchase PatentIn Software, call (703) 306-2600
  - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Additionally the following defects have been observed:

- Annexes have not been entered because the applicant does not want the annexes entered..

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

JOHN L ANDERSON

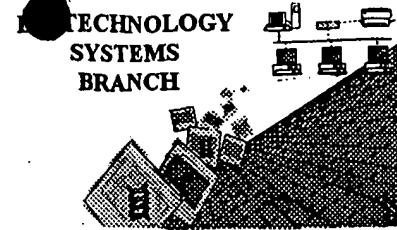
Telephone: (703) 308-9116

## PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/501,666	PCT/EP03/00493	DECLE35.002APC

FORM PCT/DO/EO/922 (371 Formalities Notice)

*\* Send with Form*



## RAW SEQUENCE LISTING ERROR REPORT

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number:

10/501,666

Source:

PC9/10

Date Processed by STIC:

7/23/04

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION AND PATENTIN SOFTWARE QUESTIONS, PLEASE CONTACT MARK SPENCER, TELEPHONE: 571-272-2510; FAX: 571-273-0221

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 4.2 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:

<http://www.uspto.gov/web/offices/pac/checker/chkrnote.htm>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail. Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom. Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<http://www.uspto.gov/ebc/efs/downloads/documents.htm>), EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
3. Hand Carry, Federal Express, United Parcel Service, or other delivery service (EFFECTIVE 06/05/04): U.S. Patent and Trademark Office, 220 20<sup>th</sup> Street S., Customer Window, Mail Stop Sequence, Crystal Plaza Two, Lot Room 1B03, Arlington, VA 22202

Revised 05/17/04



PCT

RAW SEQUENCE LISTING  
PATENT APPLICATION: US/10/501,666

DATE: 07/23/2004  
TIME: 15:25:18

Input Set : A:\seq\_lst\_US.txt  
Output Set: N:\CRF4\07232004\J501666.raw

5 <110> APPLICANT: Stordeur, Patrick  
6 Goldman, Michel  
10 <120> TITLE OF INVENTION: Method to determine in vivo nucleic acid levels  
14 <130> FILE REFERENCE: DECLE35.002APC  
C--> 17 <140> CURRENT APPLICATION NUMBER: US/10/501,666  
C--> 18 <141> CURRENT FILING DATE: 2004-07-16  
21 <150> PRIOR APPLICATION NUMBER: PCT/EP03/00493  
22 <151> PRIOR FILING DATE: 2003-01-20  
24 <150> PRIOR APPLICATION NUMBER: EP 02447009.8  
26 <151> PRIOR FILING DATE: 2002-01-18  
30 <160> NUMBER OF SEQ ID NOS: 55  
34 <170> SOFTWARE: PatentIn version 3.1  
38 <210> SEQ ID NO: 1  
40 <211> LENGTH: 21  
42 <212> TYPE: DNA  
44 <213> ORGANISM: Artificial Sequence  
48 <220> FEATURE:  
50 <223> OTHER INFORMATION: Oligonucleotide  
52 <400> SEQUENCE: 1  
53 gaagatgtgc ctgtcctgtg t 21  
56 <210> SEQ ID NO: 2  
58 <211> LENGTH: 21  
60 <212> TYPE: DNA  
62 <213> ORGANISM: Artificial Sequence  
66 <220> FEATURE:  
68 <223> OTHER INFORMATION: Oligonucleotide  
70 <400> SEQUENCE: 2  
71 cgctcaggc agtgatgtta a 21  
74 <210> SEQ ID NO: 3  
76 <211> LENGTH: 27  
78 <212> TYPE: DNA  
80 <213> ORGANISM: Artificial Sequence  
84 <220> FEATURE:  
86 <223> OTHER INFORMATION: Oligonucleotide  
88 <220> FEATURE:  
90 <221> NAME/KEY: misc\_feature  
92 <222> LOCATION: (1)..(1)  
94 <223> OTHER INFORMATION: N = 6Fam  
98 <220> FEATURE:  
100 <221> NAME/KEY: misc\_feature  
102 <222> LOCATION: (27)..(27)  
104 <223> OTHER INFORMATION: N = Tamra-p  
108 <400> SEQUENCE: 3

Does Not Comply  
Corrected Dicquette Needed

"N" can only represent a single nucleotide,  
nothing else. Suggestion is  
the <220>-<223> sectors,  
indicate that the first and  
last nucleotides are labelled  
at these dues.

## RAW SEQUENCE LISTING

PATENT APPLICATION: US/10/501,666

DATE: 07/23/2004

TIME: 15:25:18

Input Set : A:\seq\_lst\_US.txt

Output Set: N:\CRF4\07232004\J501666.raw

W--> 109 ntggtgatga gaccagactc cagctgn 27  
 112 <210> SEQ ID NO: 4  
 114 <211> LENGTH: 21  
 116 <212> TYPE: DNA  
 118 <213> ORGANISM: Artificial Sequence  
 122 <220> FEATURE:  
 124 <223> OTHER INFORMATION: Oligonucleotide  
 126 <400> SEQUENCE: 4  
 127 acagatgaag tgctccttcc a 21  
 130 <210> SEQ ID NO: 5  
 132 <211> LENGTH: 21  
 134 <212> TYPE: DNA  
 136 <213> ORGANISM: Artificial Sequence  
 140 <220> FEATURE:  
 142 <223> OTHER INFORMATION: Oligonucleotide  
 144 <400> SEQUENCE: 5  
 145 gtcggagatt cgtagctgga t 21  
 148 <210> SEQ ID NO: 6  
 150 <211> LENGTH: 22  
 152 <212> TYPE: DNA  
 154 <213> ORGANISM: Artificial Sequence  
 158 <220> FEATURE:  
 160 <223> OTHER INFORMATION: Oligonucleotide  
 162 <220> FEATURE:  
 164 <221> NAME/KEY: misc\_feature  
 166 <222> LOCATION: (1)..(1)  
 168 <223> OTHER INFORMATION: N = 6Fam  
 172 <220> FEATURE: *same error as page 1*  
 174 <221> NAME/KEY: misc\_feature  
 176 <222> LOCATION: (22)..(22)  
 178 <223> OTHER INFORMATION: N = Tamra-p  
 182 <400> SEQUENCE: 6  
 W--> 183 nctctgcctt ctggatggcg gn 22  
 186 <210> SEQ ID NO: 7  
 188 <211> LENGTH: 20  
 190 <212> TYPE: DNA  
 192 <213> ORGANISM: Artificial Sequence  
 196 <220> FEATURE:  
 198 <223> OTHER INFORMATION: Oligonucleotide  
 200 <400> SEQUENCE: 7  
 201 agctgcctac gtgtatgc 20  
 204 <210> SEQ ID NO: 8  
 206 <211> LENGTH: 21  
 208 <212> TYPE: DNA  
 210 <213> ORGANISM: Artificial Sequence  
 214 <220> FEATURE:  
 216 <223> OTHER INFORMATION: Oligonucleotide  
 218 <400> SEQUENCE: 8  
 219 gcagtgcctt ggtctttc a 21

RAW SEQUENCE LISTING  
PATENT APPLICATION: US/10/501,666

DATE: 07/23/2004  
TIME: 15:25:18

Input Set : A:\seq\_lst\_US.txt  
Output Set: N:\CRF4\07232004\J501666.raw

222 <210> SEQ ID NO: 9  
224 <211> LENGTH: 29  
226 <212> TYPE: DNA  
228 <213> ORGANISM: Artificial Sequence  
232 <220> FEATURE:  
234 <223> OTHER INFORMATION: Oligonucleotide  
236 <220> FEATURE:  
238 <221> NAME/KEY: misc\_feature  
240 <222> LOCATION: (1)..(1) *same*  
242 <223> OTHER INFORMATION: N = 6Fam  
246 <220> FEATURE:  
248 <221> NAME/KEY: misc\_feature  
250 <222> LOCATION: (29)..(29) *same*  
252 <223> OTHER INFORMATION: N = Tamra-p  
256 <400> SEQUENCE: 9  
W--> 257 nccccacaga aattcccaca agtgcattn 29  
260 <210> SEQ ID NO: 10  
262 <211> LENGTH: 21  
264 <212> TYPE: DNA  
266 <213> ORGANISM: Artificial Sequence  
270 <220> FEATURE:  
272 <223> OTHER INFORMATION: Oligonucleotide  
274 <400> SEQUENCE: 10  
275 catcgatttc ttccctgtga a 21  
278 <210> SEQ ID NO: 11  
280 <211> LENGTH: 24  
282 <212> TYPE: DNA  
284 <213> ORGANISM: Artificial Sequence  
288 <220> FEATURE:  
290 <223> OTHER INFORMATION: Oligonucleotide  
292 <400> SEQUENCE: 11  
293 tcttggagct tataaaaggc attc 24  
296 <210> SEQ ID NO: 12  
298 <211> LENGTH: 24  
300 <212> TYPE: DNA  
302 <213> ORGANISM: Artificial Sequence  
306 <220> FEATURE:  
308 <223> OTHER INFORMATION: Oligonucleotide  
310 <220> FEATURE:  
312 <221> NAME/KEY: misc\_feature  
314 <222> LOCATION: (1)..(1) *same*  
316 <223> OTHER INFORMATION: N = 6Fam  
320 <220> FEATURE:  
322 <221> NAME/KEY: misc\_feature  
324 <222> LOCATION: (24)..(24) *same*  
326 <223> OTHER INFORMATION: N = Tamra-p  
330 <400> SEQUENCE: 12  
W--> 331 nacaagagca aggccgtgga gcan 24  
334 <210> SEQ ID NO: 13

RAW SEQUENCE LISTING  
PATENT APPLICATION: US/10/501,666

DATE: 07/23/2004  
TIME: 15:25:18

Input Set : A:\seq\_lst\_US.txt  
Output Set: N:\CRF4\07232004\J501666.raw

336 <211> LENGTH: 20  
338 <212> TYPE: DNA  
340 <213> ORGANISM: Artificial Sequence  
344 <220> FEATURE:  
346 <223> OTHER INFORMATION: Oligonucleotide  
348 <400> SEQUENCE: 13  
349 tgaggagctg gtcacatca 20  
352 <210> SEQ ID NO: 14  
354 <211> LENGTH: 21  
356 <212> TYPE: DNA  
358 <213> ORGANISM: Artificial Sequence  
362 <220> FEATURE:  
364 <223> OTHER INFORMATION: Oligonucleotide  
366 <400> SEQUENCE: 14  
367 caggttgatg ctccatcacca t 21  
370 <210> SEQ ID NO: 15  
372 <211> LENGTH: 22  
374 <212> TYPE: DNA  
376 <213> ORGANISM: Artificial Sequence  
380 <220> FEATURE:  
382 <223> OTHER INFORMATION: Oligonucleotide  
384 <220> FEATURE:  
386 <221> NAME/KEY: misc\_feature  
388 <222> LOCATION: (1)..(1)  
390 <223> OTHER INFORMATION: N = 6FAM  
394 <220> FEATURE: *same*  
396 <221> NAME/KEY: misc\_feature  
398 <222> LOCATION: (22)..(22)  
400 <223> OTHER INFORMATION: N = Tamra-p  
404 <400> SEQUENCE: 15  
W--> 405 naggctccgc tctgcaatgg cn 22  
408 <210> SEQ ID NO: 16  
410 <211> LENGTH: 21  
412 <212> TYPE: DNA  
414 <213> ORGANISM: Artificial Sequence  
418 <220> FEATURE:  
420 <223> OTHER INFORMATION: Oligonucleotide  
422 <400> SEQUENCE: 16  
423 cccagggacc tctctataat c 21  
426 <210> SEQ ID NO: 17  
428 <211> LENGTH: 21  
430 <212> TYPE: DNA  
432 <213> ORGANISM: Artificial Sequence  
436 <220> FEATURE:  
438 <223> OTHER INFORMATION: Oligonucleotide  
440 <400> SEQUENCE: 17  
441 atgggctaca ggcttgtcac t 21  
444 <210> SEQ ID NO: 18  
446 <211> LENGTH: 24

RAW SEQUENCE LISTING  
PATENT APPLICATION: US/10/501,666

DATE: 07/23/2004  
TIME: 15:25:18

Input Set : A:\seq\_1st\_US.txt  
Output Set: N:\CRF4\07232004\J501666.raw

448 <212> TYPE: DNA  
450 <213> ORGANISM: Artificial Sequence  
454 <220> FEATURE:  
456 <223> OTHER INFORMATION: Oligonucleotide  
458 <220> FEATURE:  
460 <221> NAME/KEY: misc\_feature  
462 <222> LOCATION: (1)..(1)  
464 <223> OTHER INFORMATION: N = 6Fam  
468 <220> FEATURE:  
470 <221> NAME/KEY: misc\_feature  
472 <222> LOCATION: (24)..(24)  
474 <223> OTHER INFORMATION: N = Tamra-p  
478 <400> SEQUENCE: 18

W--> 479 ntggcccaagg cagtcagatc atcn

24

482 <210> SEQ ID NO: 19  
484 <211> LENGTH: 24  
486 <212> TYPE: DNA  
488 <213> ORGANISM: Artificial Sequence  
492 <220> FEATURE:  
494 <223> OTHER INFORMATION: Oligonucleotide  
496 <400> SEQUENCE: 19  
497 ctaattattc ggttaactgac ttga

24

500 <210> SEQ ID NO: 20  
502 <211> LENGTH: 21  
504 <212> TYPE: DNA  
506 <213> ORGANISM: Artificial Sequence  
510 <220> FEATURE:  
512 <223> OTHER INFORMATION: Oligonucleotide  
514 <400> SEQUENCE: 20

515 acagttcagc catcaacttgg a  
518 <210> SEQ ID NO: 21  
520 <211> LENGTH: 26  
522 <212> TYPE: DNA  
524 <213> ORGANISM: Artificial Sequence  
528 <220> FEATURE:  
530 <223> OTHER INFORMATION: Oligonucleotide  
532 <220> FEATURE:

21

534 <221> NAME/KEY: misc\_feature  
536 <222> LOCATION: (1)..(1)  
538 <223> OTHER INFORMATION: N = 6Fam  
542 <220> FEATURE:

544 <221> NAME/KEY: misc\_feature  
546 <222> LOCATION: (26)..(26)

548 <223> OTHER INFORMATION: N = Tamra-p  
552 <400> SEQUENCE: 21

W--> 553 ntccaacgca aagcaataca tgaacn  
556 <210> SEQ ID NO: 22  
558 <211> LENGTH: 21  
560 <212> TYPE: DNA

26

*same*

*Please correct subsequent sequences containing this error.*

*See p. 6 for more error*

10/501,666

6

<400> 55

attcagctcg aacactttga a

21

??

① delete at end of file

RAW SEQUENCE LISTING ERROR SUMMARY  
PATENT APPLICATION: US/10/501,666

DATE: 07/23/2004  
TIME: 15:25:19

FYI

Input Set : A:\seq\_lst\_US.txt  
Output Set: N:\CRF4\07232004\J501666.raw

Please Note:

Use of n and/or Xaa have been detected in the Sequence Listing. Please review the Sequence Listing to ensure that a corresponding explanation is presented in the <220> to <223> fields of each sequence which presents at least one n or Xaa.

Seq#:3; N Pos. 1,27  
Seq#:6; N Pos. 1,22  
Seq#:9; N Pos. 1,29  
Seq#:12; N Pos. 1,24  
Seq#:15; N Pos. 1,22  
Seq#:18; N Pos. 1,24  
Seq#:21; N Pos. 1,26  
Seq#:24; N Pos. 1,22  
Seq#:27; N Pos. 1,31  
Seq#:30; N Pos. 22  
Seq#:31; N Pos. 1,23  
Seq#:48; N Pos. 1,25  
Seq#:51; N Pos. 1,23

VERIFICATION SUMMARY  
PATENT APPLICATION: US/10/501,666

DATE: 07/23/2004  
TIME: 15:25:19

Input Set : A:\seq\_1st\_US.txt  
Output Set: N:\CRF4\07232004\J501666.raw

L:17 M:270 C: Current Application Number differs, Replaced Application Number  
L:18 M:271 C: Current Filing Date differs, Replaced Current Filing Date  
L:109 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:3 after pos.:0  
L:183 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:6 after pos.:0  
L:257 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:9 after pos.:0  
L:331 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:12 after pos.:0  
L:405 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:15 after pos.:0  
L:479 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:18 after pos.:0  
L:553 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:21 after pos.:0  
L:627 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:24 after pos.:0  
L:701 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:27 after pos.:0  
L:765 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:30 after pos.:0  
L:803 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:31 after pos.:0  
L:1129 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:48 after pos.:0  
L:1203 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:51 after pos.:0  
L:1278 M:334 W: (2) Invalid Amino Acid in Coding Region, NUMBER OF INVALID KEYS:1  
L:1280 M:336 W: Invalid Amino Acid Number in Coding Region, SEQ ID:55  
L:1280 M:334 W: (2) Invalid Amino Acid in Coding Region, NUMBER OF INVALID KEYS:1  
L:1282 M:336 W: Invalid Amino Acid Number in Coding Region, SEQ ID:55  
L:1282 M:334 W: (2) Invalid Amino Acid in Coding Region, NUMBER OF INVALID KEYS:1  
L:1284 M:336 W: Invalid Amino Acid Number in Coding Region, SEQ ID:55  
L:1284 M:334 W: (2) Invalid Amino Acid in Coding Region, NUMBER OF INVALID KEYS:1  
L:1289 M:336 W: Invalid Amino Acid Number in Coding Region, SEQ ID:55

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